

## ***Chapter 9***

# **Land and Shoreline Use**

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## Chapter 9

# Land and Shoreline Use

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### 9.1 Primary Issues

**Comment C-8.076**

9.2.1 #76 The second sentence of this section states that the current grading permit allows mining of 193 acres. The most recent and current grading permit limits mining to 11,000 tons per year and the disturbed area to 40 acres. It is then asserted that the site contains a portable screening plant, dock and conveyor. Of these items, there is a dock, which is in need of substantial repair. As has been previously discussed, there is no known screening plant on site, but one is available to be brought onto the site if needed. There is some of the framework for a conveyor, but there is no operational conveyor present. Please clarify what equipment is on the site, and further describe the condition of the equipment presently there, including the conveyor and the dock, including diagrams for proposed repairs.

Vashon-Maury Island Community Council

**Response**

Additional information regarding existing site features and dock repairs, including the conveyor, has been added to Chapter 2 of the FEIS. No portable screening plant is present on the site. The site is essentially idle, but has been mined for local supplies within the last five years. Chapter 9 evaluates land use policies and law and does not include a detailed list of site facilities.

### 9.2 Affected Environment

#### 9.2.1 Current Land Uses

**Comment O-1.353**

9.2.1 p. 9-1. This section states that approximately 10,000 cubic yards have been extracted per year under the existing Grading Permit, but fails to state when the current Grading Permit was obtained. When was the current Grading Permit obtained? What is the total estimated cubic yards that have been removed from this site to date?

Ortman, David

**Response**

Permit information is included in Section 1.2.3 of the FEIS. The current grading permit was last reviewed and approved in 1997 (KC Permit No. 1128-714). We know that about 4 million cubic yards of fill were extracted from the site for the construction of shipping piers and terminals along the Seattle waterfront and at Indian Island. The mine has been in operation since the 1940s, and records regarding mining are not available, nor are they necessary to identify significant adverse impacts of the current proposal. Past mining activities may be considered as historic context of land use and may be factored into the decisions about the proposal.

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***Economic Impacts*****Comment**

Neither the permitting process nor the Lonestar EIS include any analysis of the probable economic impact or the extent of the potential costs of a decision to approve the permit application. If the proposed Lonestar NW mine permit is approved, the mine has a high probability of creating the following economic-impact problems: [The lengthy letter goes on to cite reduction of property values, tax revenues, local tax bases, and other economic impacts that could result from the project as arguments against approval.]

Cain, W.M.

**Comment**

19. Please provide an assessment of revenues King County and the State of Washington intend to earn from permitting this strip mine.

Nelson, Sharon K.

**Response**

Per WAC 197-11-448 (Relationship of EIS to other considerations), an EIS “is not required to evaluate and document all of the possible effects and considerations of a decision or to contain the balancing judgments that must ultimately be made by the decisionmakers. Rather, an environmental impact statement analyzes environmental impacts and must be used by agency decisionmakers, along with other relevant considerations or documents, in making final decisions on a proposal.”

Further, information that “is not required to be discussed in an EIS are: Methods of financing proposals, economic competition, profits and personal income and wages, and social policy analysis.” In other words, while economic issues may contribute to the overall context within which this project is ultimately judged, the EIS must focus only on environmental implications of the proposed activities.

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**Comment**

A cost/benefit analysis is completely absent. CBA is a common component of an impact assessment (whether economic or environmental). Because of the Islands limited size, isolation, population size and the type of proposed activity, it would be very easy to apply real numbers to the current and proposed impact. If Lonestar made any effort to quantify its actions there is no evidence in the EIS.

St. George, Brian

**Response**

Per WAC 197-11-450 (Cost-benefit analysis), "A cost-benefit analysis (197-11-726) is not required by SEPA ... For purposes of complying with SEPA, the weighing of the merits and drawbacks of the various alternatives need not be displayed in a monetary cost-benefit analysis and should not be when there are important qualitative considerations."

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**Property Values****Comment**

Further, property values are expected to drop in proportion to the property's proximity to the proposed mine. This is not a supposition for our family. Sadly we have temporarily relocated and attempted to market our home on Vashon/Maury Island this year. We experienced the loss of two sales due to the proposed Lone Star project. During the height of the spring and early summer real estate sales in Puget Sound our home was NOT even being shown to prospective buyers due to the property's proximity to the Lone Star site. As with many Americans, our major personal investment is in our home, which for all intents and purposes is no longer marketable. This is a significant loss to us of hundreds of thousands of dollars.

Saunders, Karen and Peter

**Comments**

Two years ago, [my relatives] bought a house that is located only two blocks from Lone Star's property. As a result of the Lone Star proposal, they are facing a very significant diminution in the value of their house as well as years of noise, potentially hazardous dust, and all the effects of living next door to a major mining operation. They and their neighbors do not deserve to bear the brunt of Lone Star's greed, and King County must stop this proposal right now!

Doerr, Susan J.

**Comment**

We have had our beautiful view home in Lower Gold Beach on the market since June 1. We have had two offers, both of which have been well below (\$40,000) the market value of the house. It seems the only people even remotely interested in looking at homes in

Upper or Lower Gold Beach are those vultures that are looking to steal our home. The reason they think they can steal it is LONE STAR! I can only imagine what will happen to our property values if the proposed mine expansion is granted. Is King County willing to decrease our property taxes proportionately to our decreased home values?

Boetel, Lauren

**Comment**

King County must scrutinize the economic impact of siting this monstrous-scale project on a small island in Puget Sound. Water supply issues notwithstanding, property values on Maury Island will be negatively impacted by mining activity.

Means, Shelley

**Comment**

Further, I want to ensure that you are aware that property values on the islands have already been affected by the proposed mining operation and that they remain a key issue for islanders. The issue was not addressed in the DEIS.

Nelson, Sharon K.

**Comment I-3.009**

... DEIS does not adequately address: lowering of property values to adjacent communities, and the significant diminishing of the quality of life of the people and wildlife near such a large, long-term project.

Pearce, Judith Wood

**Comment I-4.009**

Property values all over Vashon-Maury Island would decrease as a result of the expanded mining operation, endangering County revenues.

Gylland, Barbara and Fred

**Comment**

King County would show fiscal irresponsibility if it were to approve the Lone Star application. Property values all over Vashon-Maury Island would decrease as a result of the expanded mining operation, endangering County revenues. Moreover, by approving the disruption and release of known toxic contaminants such as arsenic, the County becomes a party to any claims which may be filed for health reasons, and may be incurring future costs associated with the maintenance and/or clean-up of environmental hazards resulting from the operation.

Gylland, Barbara and Fred

**Response**

According to SEPA, the EIS must only evaluate the potential environmental impacts of the proposed activities on the natural and built environment (WAC 197-11-448).

While housing values are not directly addressed, they are indirectly addressed in an EIS. This is because significant adverse impacts on the environment may be indicators of potential lowering effect on housing values. It follows that many of the additional measures identified in the EIS to reduce environmental impacts would indirectly address concerns regarding housing values.

In addition to the fact that SEPA does not require housing values to be directly addressed in an EIS, no clear evidence exists that property values may be affected by the proposal. In the Granite Falls decision for the CSR Associated mine (Snohomish County Council Motion No. 98-367, File ZA 9207099), the record included various studies that showed that mining did not significantly affect housing values.

In conclusion, the EIS is not required by law to address housing values, but many environmental mitigation measures would also attend to concerns about housing prices.

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**Comment**

The County places itself in legal jeopardy if it approves this permit application. We will take a very dim view of having our tax dollars spent on defending in court County actions which could have been prevented by making a prudent decision in the first place!

Gylland, Barbara and Fred

**Response**

King County will make the decision based on fact and law, including its substantive authority under SEPA (197-11-660). One of the major functions of an EIS is to promote environmentally sound decisions.

### **9.2.2 Growth Management Act, King County Comprehensive Plan, and Vashon Community Plan**

**Comment**

2. The King County Comprehensive Plan states for designated mineral resource sites that environmental review for the sites had been completed prior to their inclusion on the mineral resource map for King County. Please note that this did not occur for the Maury Island site. King County DDES has indicated that in the 1970's when this site received a Determination of Non-Significance that such a determination was the standard mode of operation and little review was done. Therefore, the site at this time is finally receiving the proper environmental review for the

expansion requested by the proponent. RL-404 allows King County to remove mineral resource designations from sites and as the current review is the first complete environmental review, it should be noted in the DEIS that King County has another alternative in addition to the Proposed Action, Alternatives 1 and 2 and the No-Action Alternative and that is to rezone the site due to the SEPA review.

Nelson, Sharon K.

**Comment**

The DEIS should indicate that this site remained on the mineral resource map based on the historical levels (10,000 cubic yards/year), and that to conform with the requirements of Designated Mineral Resource Sites, that environmental review be completed to ensure adjacent land use conflicts be minimized and that environmental protection be ensured, there is the alternative of No-Action or removal of the mineral resource designation.

Nelson, Sharon K.

**Response**

King County is not considering a rezone of the site, since that does not address whether to approve, approve with conditions, or deny the Applicant's mining proposal.

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**Comment C-8.077**

9 2 2 #77 The second paragraph states that "King County has developed policies to assure that adjacent land uses would not interfere with the continued use of these designated lands, in the accustomed manner, and in accordance with Best Management Practices" The King County Comprehensive Plan, page 107, IV Mineral Resources, states "Second, it is necessary to prevent or minimize land use conflicts between mining, processing and related operations and adjacent land uses." This has a different meaning and emphasis than the meaning stated in this proposal. The document then quotes RL-403 concerning mining. It does not reference RL 404: "King County shall undertake updates to the Mineral Resources Map contained in the comprehensive Plan to identify additional Potential Mineral Resource Sites for conservation and remove those sites that no longer can be used for mineral resources." Please discuss RL 404 and its importance/applicability to the site.

Vashon-Maury Island Community Council

**Response**

RL 404 allows King County to add or remove mining designations through formal revisions in the Comprehensive Plan. It is not applicable to this site since King County is not considering a change in the designation. Such a change would, in fact, be a different action altogether, and is not a reasonable alternative for

the current application, since such a change would not feasibly attain or approximate the proposal's objectives.

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**Comment** [9.2.2] 9.3.3 RL-410. Where is the Lone Star mine in the “periodic review process”?  
Kuperberg, J. Michael, Ph.D.

**Response** King County has reviewed the existing operation as part of the new proposal. Periodic review is for mining sites per KCC 21A.22.050.B.2. Periodic review is conducted at least every 5 years at all mineral sites to determine whether “the site is operating consistent with the most current standards and to establish other conditions as necessary to mitigate identifiable environmental impacts.”

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**Comment** I demand that the same County Requirements which apply to us all, apply equally to Lone Star. These are contained within the Growth Management Plan for King County, and they are not adequately addressed in the Lone Star DEIS. (And Lone Star has a history of past abuses which must be considered).  
Langley, Matthew

**Response** The FEIS includes specific reference to many King County Codes and policies. Every impact has been evaluated in relation to formally designated policies, plans, rules, or regulations.

With the level of public scrutiny and organized opposition to this proposal, it would be difficult to imagine how any requirement could be overlooked. The Applicant has been granted no exceptions to law.

The EIS and its attendant decision is, in fact, one of the primary tools King County has to implement County requirements.

The Applicant must also comply with numerous state and federal requirements. Please see Section 1.2.3, which discusses the full range of permits the Applicant must obtain.

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**Comment** The King County Comprehensive Plan in discussing RL 405 observes, “Although extractive operations can control most off-site impacts, concerns about the impacts of mining may effectively preclude mining adjacent to some land uses.” Please discuss



RL-405 and its importance/applicability to the site.  
Vashon-Maury Island Community Council

**Response**

A discussion of RL-405 is included in the EIS. It is important to note that Rural lands are considered appropriate for mining. The EIS evaluates consistency with adjacent land use through analysis of noise, air quality, traffic, and other elements of the environment.

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**Comment**

The King County Comprehensive Plan in discussing RL-407 which concerns approval of permits for mining in Forest Production Districts, makes the following comment: “Most sand and gravel resources are mined in phases in order to extract only that material a mine owner/operator can sell in the current market. Therefore, an environmental impact review under SEPA also may need to be completed in phases...Changes in size or operation can greatly expand local citizens’ concerns. These circumstances can lead to difficulties in the zoning and permitting processes and cause uncertainty and frustration among citizen groups and owner/operators.” Please discuss RL-407 and its importance/applicability to the site.

Vashon-Maury Island Community Council

**Response**

This policy does not apply to the site, since it is not in a Forest Production District. Still, some of the statements in the policy are also true for the site, including “changes in size or operation can greatly expand local citizens’ concerns.” This is one of the major reasons why King County is preparing an EIS on the application.

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**Comment**

The selective use of King County Comprehensive Plan wording to portray the designation of the pit as a mining area reflects the overall tone of this study. It is an advocacy for the proposed project, not a careful and objective evaluation of the project. Please provide an objective/independent evaluation of the King County Comprehensive Plan in relationship to this DEIS and the site.

Vashon-Maury Island Community Council

**Response**

The King County Comprehensive Plan designates the site as a mineral resource site. The plan also requires that King County consider environmental protection when processing permits for mining at such sites. The EIS is the tool by which King County is considering the environmental impacts.

The EIS is not being prepared by the Applicant, but rather by King County and its consultant. As part of revisions for the FEIS, the team carefully re-examined each impact and mitigation measure to ensure that the impact was accurately portrayed and that potential mitigation measures were reasonable and appropriate to the particular impact.

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**Comment O-1.354**

p 9-2 when King County developed the current Comprehensive Plan did it take into consideration the fact that islands are fragile non-renewable ecosystems when it designated this area as a mineral resource site?

Ortman, David

**Response**

The EIS discusses the fact that the site is an island that includes special concerns, such as shorelines and groundwater protection.

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**Comment**

This EIS makes no reference to the King County Comprehensive Plan's conditions that apply specifically to Vashon-Maury Islands. Will those elements of the Comp Plan be given due consideration before DDES issues a final EIS?

Kuperberg, Joel

**Response**

Vashon Community Plan policies have been adopted in Chapter 14 of the Comprehensive Plan. As appropriate, these have been incorporated into the FEIS.

### **9.2.3 King County Zoning Code (Title 21A)**

**Comment**

9.6.1 While the neighboring lands are zoned rural (RA); the actual use is residential.

Kuperberg, J. Michael, Ph.D.

**Response**

The RA is a "rural" residential zone. The fact that adjacent lands have been developed at suburban densities is factored into the land use, noise, air, and visual/aesthetic analysis of the EIS. Many mitigation measures, including retention of a greater portion of the bluffs, have been developed specifically to protect the nearby communities.

The EIS also must take into account the legal designation of land use in the evaluation of environmental impacts. While the communities of Sandy Shores and Gold Beach may be at suburban

densities, they are relatively high-density “islands” within a rural environment.

Many of the public comments focus on the need to maintain the rural character of the area, but some comments are apparently based on the misconception that mining is an inappropriate use for rural areas. This is not the case. Rural areas are landscapes characterized by predominantly low-density residential development as well relatively intensive resource use, such as mining, forestry, and agriculture.

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**Comment**

9.6.4 It is clear that the County zoning efforts envisioned some residential use of the site at the end of mining activities. What was the goal of the P-suffix (to limit impervious surface)? Does that have any application to the current question?

Kuperberg, J. Michael, Ph.D.

**Response**

M-zoning and P-suffix do not address residential uses on the site.

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**Comment**

[9.2.3.2] 9.8.1 It is clear that the applicant is attempting to use the 32-acre cells to work around the 40% requirement. It would be important to define “natural vegetation or planted with landscaping, which area shall be used to maintain predevelopment infiltration rates for the entire site”. Does this require the reestablishment of vegetation prior to further clearing?

Kuperberg, J. Michael, Ph.D.

**Response**

The 32-acre cell limit is based on King County Code and not on the Applicant’s proposal. The applicant will have to maintain 40 percent vegetation cover per KCC 21A.38.150, Special District Overlay – Groundwater Protection Zone. This requires reestablishment of vegetation prior to exceeding 60 percent clearing of the site.

See also mitigation developed for Chapter 5, which includes a greatly expanded section on restoring madrone forests as part of site restoration.

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**Comment**

[9.2.3.2] Lonestar has not set a clear bar to measure when an area has been “reclaimed” sufficiently to clear the next 32 acre parcel.  
St. George, Brian

**Response** See Chapter 5, which includes additional measures for restoration. However, note that detailed specifications are not required in an EIS. Details can and should be worked out during the design phase. As with many types of mitigation, the EIS need only establish the technical feasibility and environmental effectiveness of mitigation, and need not work out every detail.

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**Comment** [9.2.3.4] 9.10.3 How is “adjacent to” an Erosion Hazard Area defined? What portion of the site is “adjacent to”?  
Kuperberg, J. Michael, Ph.D.

**Response** The entire bluff area is considered an Erosion Hazard Area. This has been clarified for the FEIS (Section 9.2.3.4).

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**Comment A-1.032** Section 9.2.3.2 p. 9-6. The potential conversion of this property to residential uses at termination of quarrying and mining may have additional impacts to state owned aquatic lands. The project proponent must secure the long-term protection of this restoration beyond their current ownership.  
Washington Department of Natural Resources

**Response** Any decision regarding subsequent use of the site following mining is premature. Impacts would be considered when an application for residential or some other use is submitted.

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**Comment I-17.039** ... fails to address any Sensitive Area designations other than Erosion, e.g. Landslide Hazard Areas.  
Joshua Putnam

**Response** The site is not within a Landslide Hazard Area, although the bluffs do continually erode as part of the natural processes at the site.

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**Comment I-17.008** ... has the berm been designed to comply with the sensitive areas ordinance and any applicable seismic codes?  
Joshua Putnam

**Response** The berm to contain arsenic is not proposed to be placed within any sensitive areas. Additional measures to protect the berm in an earthquake can be applied during the design stage of the project.

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## **9.2.4 King County Grading Permit**

No comments were received that specifically address this section.

## **9.2.5 Washington State Surface Mining Act (RCW Chapter 78.44)**

### **Comment C-8.098**

9 2 5 #98 The Washington State Surface Mining Act (Ch. 78.44 RCW) recognizes the importance of surface mining to the state and nation is balanced with the necessity to protect the environment and general welfare, health, safety, and property rights of the citizens of the state. It does not alter or preempt any environmental laws. In this instance again there is unnecessary paraphrasing of the intent of the State legislature in passing the Surface Mining Act.

Vashon-Maury Island Community Council

### **Response**

Comment noted, but a change to the EIS text is not warranted. This section did not mention the “balancing” element since such determinations will be conducted by King County under SEPA and not WDNR under the Surface Mining Act.

The excerpt from the Surface Mining Act was included solely to define the mandate in state law to restore mining lands. WDNR jurisdiction under the Surface Mining Act is mostly limited to restoration. King County is the agency that must “balance” the decision based on impacts and benefits of the project, as well as property rights of both neighboring land owners and the Applicant. This is being achieved under the jurisdiction of King County plans, policies, rules, and regulations, and not under the authority of the Surface Mining Act.

## **9.2.6 Washington State Shoreline Management Act**

### **Comment O-1.355**

9.2.6 p. 9-11. Regarding the discussion of the Washington State Shoreline Management Act, please add the following to this section from the SMA regulations: WAC 173-16-050 (4) Islands. Ortman, David

### **Response**

Shoreline Management Act compliance would be addressed subsequent to issuing the FEIS. The fact that the site is on an island is reflected throughout the EIS and has been factored into the impact analysis.

**Comment C-8.078**

9 2 7 #78 This section marks the first time that this proposal identifies repairs to the dock as a request for “substantial repairs to a dock and conveyor system”. It states there are approximately 200 pilings in the dock, conveyor pilings, and dolphins. As has been previously pointed out, the plan is to replace 30 pilings in the dock, fresh head an additional 10 pilings, replace one dolphin with 10 pilings, and refurbish the remaining dolphins with 2 – 3 pilings each. Please correct other references in the DEIS, which state the dock has been “maintained and repaired”, thus contradicting this section.

Vashon-Maury Island Community Council

**Response**

Please see Chapter 6 of the FEIS. The description of the dock and repairs has been modified and supplemented in response to public and agency comments.

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**Comment**

I would like to request a review of whether a CZM is required for the site. It was not included in permits, or requirements, and therefore I am requesting that information to be included in the FEIS or supplemental DEIS.

Nelson, Sharon K.

**Response**

Coastal Zone Management is not a requirement of the project. The Shoreline Management Act and, more specifically, the King County Shoreline Master Program, reflect the requirements of this federal act.

## **9.2.7 King County Shoreline Master Program**

**Comment G-3.034**

34 Section 9.2.7, King County Shoreline Master Program, states that the project area is designated as a “Conservancy Environment,” meaning that the preferred uses are those that do not consume the physical and biological resources of the area. Not only does this DEIS fail to explore the potential consumption of physical and biological resources of the nearshore environment, but our own evidence and estimates clearly suggest that such impact is highly likely. The DEIS should clearly state exactly how the proposal--especially the barging activity--would violate the Shoreline Management Act.

People for Puget Sound

**Comment G-3.002**

2. Furthermore, we have serious concerns that this project does not meet the requirements of the Shoreline Management Act, in particular King County’s Shoreline Master Program, which

designates this area as a Conservancy Environment.  
People for Puget Sound

**Comment C-5.003**

The DEIS does not address how the proposal is consistent with King County's Growth Management Act, the Shoreline Management Act, and forest practices laws as they pertain to islands.

Vashon-Maury Island Community Council

**Response**

Consistency of the project with policies of the SMP will be addressed during review of the SSDP.

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**Comment**

[9.2.7 and 9.3.1.1] 9.13.2 It is interesting that "repair" of the dock involves replacing of fresh heading 40% of the pilings, plus decking, conveyer and power. It is subsequently stated (page 9.16) that the dock is currently deemed "no longer serviceable".

Kuperberg, J. Michael, Ph.D.

**Response**

In response to this and other public and agency comments, King County commissioned an independent study of the dock. The description of the dock and repairs and associated impacts have been expanded in the FEIS (Section 2.2.3.6 and Chapter 6).

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## **9.2.8 Washington State Department of Natural Resources Aquatic Lands Lease**

**Comment A-1.033**

Section 9.2.8 p. 9-13 At the expiration of the existing DNR lease for the use of stated aquatic lands, a determination of future allowed use will be made consistent with the management goals in RCW 79.90.455 and RCW 79.90.460.

Washington Department of Natural Resources

**Response**

Comment noted. WDNR's jurisdiction has been listed in Section 1.2.3 of the FEIS.

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**Comment A-1.034**

If at some point in the future, this use is no longer continued, a decision will need to be made on the fate of the pier. DNR may require removal of the pier from state-owned aquatic lands, or converting the use to a fishing pier and rebuilding the pier using less impacting alternative materials such as cement, steel, or even

recycled plastic. If the facility were deeded to a public entity, this would give the public access to the water and fishing supported by an artificial reef.

Washington Department of Natural Resources

**Response**

Comment noted. Such conditions will be considered as part of the decision. The FEIS includes additional measures for consideration to convert the dock to less impacting materials, as was developed through interagency consultation that included the WDNR and the WDFW (this consultation was after King County received comments on the DEIS, so WDFW and WDNR comment letters do not reflect these consultations). Deeding the dock or facility to the public is not within King County's authority under WAC-197-11-660.

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**Comment O-1.356**

9.2.8 p. 9-13 and 9.3.1.1 p. 9-15. These sections do not fully disclose the problems that Taiheijo Cement Corp. (a.k.a. Lone Star Northwest, a.k.a. NW Aggregates) has had with Aquatic Lands Lease No. 20-012778. Please add the following to these sections: A review of Aquatic Lands Lease No.20-012778 by the DNR shows that there has been no assignment or transfer of this lease from Lone Star Northwest to NW Aggregates as required under Sec. 5.1 of the lease. DNR has no record of NW Aggregates" having a policy of Combined Single Limited Bodily Injury and Property Damage Insurance as required by Sec. 5.3. DNR does, however, confirm that rent for Aquatic Lands Lease No.20-012778 from Nov.15, 1996-2000 is \$439.56 per year."

Ortman, David

**Response**

These issues will be resolved prior to making a decision regarding the grading permit, but they are not relevant to the environmental impacts and, therefore, are not being considered in the EIS.



## 9.3 Impacts

### 9.3.1 Is the Applicant's proposal consistent with applicable land use policies and regulations?

#### *Past Land Use Decisions*

##### **Comment**

Two of the most densely populated areas on Vashon and Maury Islands lie on either side of the mine. The level of mining since 1979 (10,000 cubic yards per year) is consistent with the density of the two neighborhoods. Additionally, the Lone Star site on Maury Island represents a situation where King County land use policies allowed essentially suburban development to occur next to a mineral resource, and that development should now preclude the expansion of the permit.

Jacobovitch, Jake, President, Vashon-Maury Island Council

##### **Response**

The communities of Gold Beach and Sandy Shores have been a driving factor for many mitigation measures and protection of these communities will certainly be a major decision factor. King County has listened to the community and has responded by presenting more information about impacts and additional measures to reduce impacts.

The analyses presented in the FEIS indicate that people will hear and see the project. Many other potential conflicts with nearby residents can be mitigated. Whether seeing and hearing a mining project (assuming noise is within County noise limits) is sufficiently severe to "preclude" the expansion of the permit is a matter for the decision-maker.

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##### **Comment I-2.011**

It was in the favor of the county to let the open ground on either side of the mine site develop so the tax revenue would increase. Does the county feel any sense of responsibility to these people? Or is everyone to assume that the local residents factored this mining increase in when they purchased in those communities?

Clark, Rose

##### **Response**

These communities were developed when King County had much less stringent review of projects. The site has been designated as a mineral site through publicly reviewed and formally adopted plans. This EIS, and subsequent decision, attempts to identify and resolve potential conflicts between mining and residential uses.

One of the intents in designating mineral lands is to alert existing and future property owners that such use may occur on that property. When buying property, it is important for the purchaser to examine nearby zoning. If the site were zoned forestry, then potential buyers should consider that the property could eventually be logged. If the site were zoned industrial, then potential buyers should consider that at some point an industrial facility may be developed.

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***Growth Management Act, King County Comprehensive Plan, and Vashon Community Plan***

- Comment*** The mine proposal is in clear violation of many points of the King County Comprehensive Plan, intended to guide our area into a healthy and viable future.  
Parker, Judith W.
- Comment*** Legally, it would be foolish for the County to approve the Lone Star permit application as the mining operation clearly defies many specific provisions of the King County Comprehensive Plan and the State Growth Management Act.  
Gylland, Barbara and Fred
- Comment I-15.009*** Inconsistent with the Comprehensive Plan.  
Skeffington, Beverly
- Response*** Mining at the site is a planned and allowable use per the King County Comprehensive Plan and the Growth Management Act.

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- Comment*** The DEIS does not address the inconsistency of this proposal with King County's Growth Management Act, Chapter Seven, NE-603, NE-604, and NE-605.  
Collier, Pat
- Response*** The text of Chapter 5 has been revised for the FEIS to address these policies.

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- Comment*** I request that the Lonestar permit application be denied as these actions do not conform to the King County Comprehensive Plan. Specific King County Comprehensive Plan policies which support this request for denial, are as follows:

Section CP-1204 of the King County Comprehensive Plan which states: “Development should be minimized and carefully managed in sensitive areas. The most fragile, hazardous or valuable areas, including high recharge areas, landslide hazard areas and wetland, should remain largely undeveloped through application of a low density designation.”

Jacobovitch, Jake, President, Vashon-Maury Island  
Community Council

**Response**

The entire site is not a sensitive area, although setting aside portions of the site to protect the environment is being considered.

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**Comment**

Section NE-106 which states: King County should use acquisition, enhancement, and incentive programs and appropriate regulations to encourage the protection of lands where development would pose hazards to health, property, important ecological functions or environmental quality. The following natural landscape features are particularly susceptible and should be protected:

b. Slopes with a grade of 40% or more or landslide hazards that cannot be mitigated;

f. Designated wildlife habitat networks;

g. Critical Aquifer Recharge Areas in designated sole source aquifers.

Jacobovitch, Jake, President, Vashon-Maury Island  
Community Council

**Response**

The EIS provides the decision-maker with over 75 measures, based on appropriate regulations, to protect the environment. The site contains no designated wildlife habitat networks. The EIS Team evaluated impacts on recharge and determined that the project would not significantly affect recharge or groundwater resources.

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**Comment**

Section NE-302 which states: Development should occur in a manner that supports continued ecological and hydrologic functioning of water resources. Development should not have a significant adverse impact on water quality or water quantity. On Vashon Island, development should maintain base flows, natural water level fluctuations, ground water recharge in Critical Aquifer Recharge Areas and fish and wildlife habitat.

Jacobovitch, Jake, President, Vashon-Maury Island  
Community Council

**Response**

Again, the EIS includes extensive analysis and evidence that mining could occur without a significant adverse impact on water quality or water quantity. King County appreciates concerns regarding water on Vashon Island, and realizes the high importance placed on protection of groundwater on the island. However, comments provided no convincing evidence that groundwater would be affected. The conclusions presented in the EIS have not been changed.

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**Comment**

Section CP-1101 of the King County Comprehensive Plan states: “Resource activities should be encouraged in areas where such activities are not inconsistent with a rural atmosphere. In order to ensure continued development of natural resources prior to the development of the land for other purposes, extractive industries should be allowed to locate in areas known to have deposits of minerals. Premature urban/suburban development should not be approved which forecloses the opportunity to use the resources.”

Jacobovitch, Jake, President, Vashon-Maury Island  
Community Council

**Response**

This policy is intended to prevent the type of friction that can occur when developments are too close to designated mineral lands. As stated elsewhere, Sandy Shores and Gold Beach were developed at a time when development review was much less stringent than it is now. King County will resolve these issues as part of the grading permit decision.

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**Comment**

1. The information which you provided to us at the Gravel Mining Conference yesterday in North Bend stated that “GMA, requires jurisdictions to ‘designate, where appropriate ... mineral resource lands that are not already characterized by urban growth and that have long - term significance for the extraction of materials.” (RCW 36.70A.170) Please note that the issue in relationship to

Maury Island is designation of the sites “where appropriate”. The GMA in RCW 36.70A also discusses the importance of critical recharge areas for aquifers and the Shoreline Management Act discusses the significance of islands. I believe a review of those statutes provides clear “Land Use Policy” which prohibits this massive expansion and destruction of our nearshore environment. Please note this information in the DEIS, in addition to the that the aquatic lands of the state are to be protected including geoduck beds. Also the DEIS should note that State of Washington DNR issued a no net loss of eelgrass beds position in 1994.

Nelson, Sharon K.

**Response**

The decision-maker will determine if the proposal is appropriate, based on formally designated policies, plans, rules, and regulations under the authority of King County.

As mentioned elsewhere, the analysis and evidence indicate that groundwater recharge would not be significantly affected by the proposal. Comments have provided no persuasive evidence to the contrary. The project would still be consistent with the Groundwater Protection Overlay District.

Additional mitigation measures discussed in Section 6.4.3 are designed to achieve “no net loss” of eelgrass, although some temporary net loss would probably occur due to the lag time between the impact and implementation of mitigation measures.

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**Comment C-8.079**

(part 1 of 3) #79 The report states that the King County Comprehensive Plan designation of the site as mineral resource, “is intended to prevent encroachment or residential developments or other uses that may conflict with using the site to provide mineral resources.” There is nothing in the King County Comprehensive Plan making this statement. Instead, the plan recognizes that changes in mining activity might create conflicts with other land uses. The County does not surrender its right and power to modify, control and deny, if necessary, any plan submitted under this act. Please correct the document to properly quote the King County Comprehensive Plan and remove this statement, which reflects a pro-applicant bias.

Vashon-Maury Island Community Council

**Response**

The following is a list of all of the Comprehensive Plan Policies that were summarized in the statement the Comment refutes.

- RL-101 King County should promote forestry, agriculture, mining and other resource-based industries as a part of a diverse, regional and sustainable economy.
- RL-102 King County shall conserve farm lands, forest lands and mineral resources for productive use through the use of Designated Agriculture and Forest Production Districts and Designated Mineral Resource Sites where the principal and preferred land uses will be commercial resource management activities.
- RL-103 Land uses, utilities and transportation facilities adjacent to designated Agriculture and Forest Production Districts and Designated Mineral Resource Sites should be sited and designed to ensure compatibility with resource management.
- RL-104 King County should continue to encourage the siting of industries, infrastructure and services that serve and are served by resource-based industries in close proximity to designated Agriculture and Forest Production Districts and Designated Mineral Resource Sites when adverse impacts and incompatibilities can effectively be mitigated.
- Conflicts with surrounding land uses and environmental problems can arise even with the best of precautions. Resource-based industries need reasonable certainty that operations can continue if activities are performed in an environmentally sound manner.
- RL-105 By December 31, 1996, King County should expand on existing code provisions to develop a “Rights and Responsibilities of Resource-Based Industries” ordinance in order to protect from nuisance complaints those resource-based industries that are in compliance with federal, state and local law.
- RL-106 King County should expand access to preferential tax programs, including publicizing and marketing current use taxation programs to eligible landowners, to encourage landowners to continue practicing farming and forestry and to help ensure retention of the resource land base. The effectiveness of these programs should be monitored and the programs modified as needed.

- RL-107 King County shall employ a variety of innovative programs and incentives, tailored to the specific needs of each resource-based industry, to help maintain and enhance resource-based industries.
- RL-108 King County should develop and employ effective means to inform affected property owners about nearby resource management activities.
- RL-109 King County should work cooperatively with cities, tribes, other public agencies, resource managers and citizens to conserve public and private Natural Resource Lands for long-term productivity and environmental protection in a consistent and predictable manner.
- RL-110 Designated Forest and Agricultural Production District lands should only be annexed by cities if continued resource-based uses or other compatible uses are ensured through inter-local agreements.
- RL-111 King County should establish written agreements with agencies, tribes and other affected parties whose close coordination and collaboration are essential to effective implementation of resource management programs. Such agreements should serve to establish consensus and commitment to achieving specific resource management goals and to define the specific roles and responsibilities of each agency.
- RL-112 King County should avoid duplication of federal and state regulations that apply to resource-based industries. However, King County reserves the authority to address issues of local concern with regard to resource-based activities and operations.
- RL-113 Resource-based industries should use Best Management Practices that protect the long-term integrity of the natural and built environment, adjacent land uses, and cultural resources that maintain the long-term productivity of the resource base.

The EIS statement referred to in this comment did not say or imply that mineral proposals cannot be denied based on unavoidable significant adverse impacts: they can. That is the whole purpose of the EIS and it is why King County has spent tremendous effort in evaluating impacts.

This section simply stated that mineral extraction is a necessary activity and it is protected by King County policies. Including this concept is necessary to fully understand the land use context of the mineral designation of the site, and, as shown by the list above, is not biased or contrary to fact.

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### ***Washington State Shoreline Management Act***

***Comment*** The DEIS does not address the inconsistency of the applicant's proposal with SMA WAC 173-16-050, para 4.  
Collier, Pat

***Response*** Consistency with the SMA is being evaluated separately from the EIS, although conclusions and facts established in the EIS may be considered as part of SMA determinations.

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***Comment I-21.030*** (repeated in 4.3.4) Is there some magic in the SMA wording that will prevent erosion in the mined areas adjacent to the "erosion hazard area"?  
Baker, Alby

***Response*** Erosion control is a design issue to be resolved once the project is approved and not based only on a proposal. King County has not yet determined if the proposal is appropriate for the area. Therefore, at this stage of the review, it suffices to identify that erosion could be controlled through standard methods, such as those recommended by Ecology. The 200-foot setback required by the SMA would also serve to protect the bluffs.

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***Comment I-6.006*** In consideration of the Shoreline Act, why shouldn't the applicant's request to annually mine 7.5 million tons be denied?  
Gorski, Alan

***Comment I-6.007*** or at any level in excess of limits imposed by the Shoreline Act?  
Gorski, Alan

***Response*** This issue will be addressed as part of the shoreline review.

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## ***King County Shoreline Master Program***

### ***Comment***

I am really confused by the fact that severe restrictions are being put on landowners who want to bulkhead their waterfront property or do other work to prevent erosion of their land in order to protect delicate habitats, yet King County is considering allowing Lonestar to completely destroy a large portion of waterfront property that serves as a natural habitat for various living plants and creatures. This seems to be a straight forward contradiction.

Johnson, Nancy

### ***Response***

The analysis does not show that the project would “completely destroy a large portion of waterfront property.” King County is required to consider the application.

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## ***Washington DNR Aquatic Lands Lease***

### ***Comment A-1.035***

Section 9.3.1 p. 9-15. The current DNR lease contains many provisions including Restrictions on Use, Maintenance, and Condition of Premises and Liability. For those bedland leases, RCW 79.95.040 directs that at expiration of any bedland lease “the lessee or his successors or assigns shall have a reference right to release the area covered by the original lease or any portion thereof if the department of natural resources deems it to be in the best interest of the state to re-lease the same”.

Washington Department of Natural Resources

### ***Response***

The regulatory authority of the WDNR is noted. King County will require the Applicant to obtain WDNR jurisdictional approvals prior to making a decision regarding the grading permit.

## **9.3.2 What land use changes would occur directly or indirectly, to the project site and adjacent lands, as a result of the proposal?**

### ***Comment***

There is minimal reference to recreational impacts and changes. Land use changes are prime issues for a cost/ benefit analysis. Where is it?

St. George, Brian

### ***Response***

Per WAC 197-11-450 (Cost-benefit analysis), “A cost-benefit analysis (197-11-726) is not required by SEPA ... For purposes of complying with SEPA, the weighing of the merits and drawbacks

of the various alternatives need not be displayed in a monetary cost-benefit analysis and should not be when there are important qualitative considerations.” Please see Chapter 12 for a detailed analysis of recreational land use issues.

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**Comment O-1.357**

Please explain how dismembering 10% of Maury Island preserves “the very qualities which make island environments viable systems as well as aesthetically captivating to humans.”

Ortman, David

**Comment O-1.358**

9.3.2.1 p. 9-16. Please amend this section to add the following: The land use of this site would result in the removal of up to 10% of Maury Island. As such, the proposed project would represent a catastrophic impact to a small fragile Puget Sound island. This is a significant adverse impact which can not and will not be mitigated.

Ortman, David

**Response**

The land area of Maury Island would remain the same. Mining does not necessarily result in irreparable harm to the land. In many cases, closed mines provide opportunities for subsequent use. For example, a portion of the Lower Gold Beach community is located on a former mine.

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**Comment I-4.004**

(repeated in 7.4 and 7.6). Noise from the 24-hour mining operation will be considerable and there is no abatement policy even discussed in the DEIS. Noise near hills and water is amplified and the Lone Star operation will turn what the County has classified a “rural” area into an industrial one.

Gylland, Barbara and Fred

**Response**

Comment noted. Noise is evaluated in Chapter 7 of the EIS. Mineral extraction is considered a “rural” activity. Please see Chapter 6 of the King County Comprehensive Plan.

## **9.4 Adverse Impacts and Mitigation**

### **9.4.1 Significance Criteria**

No comments were received that specifically address this section.

## **9.4.2 Measures Already Proposed by the Applicant or Required by Regulation**

**Comment C-8.080**

9 4 1 #80 The standards as set by KCC Chapter 21A 22 require, “Dust and smoke produced by extractive operations must not substantially increase the existing levels of suspended particulates at the perimeter of the Site and must be controlled by watering of the site and equipment or other methods specified by the County.” This standard is different that the standard they use in the Air section of the report. It is more stringent and restrictive. Please utilize this standard throughout the EIS.

Vashon-Maury Island Community Council

**Response**

This standard is essentially the same, rather than more restrictive. A “substantial increase” in dust is considered to be a visible plume, which is the same standard used in Chapter 3 of the EIS.

## **9.4.3 Remaining Adverse Impacts and Additional Measures**

**Comment**

[9.3.1.1 and 9.4.2] 9.14.2 Fencing the site would seem to be a reasonable measure for the owners. This should be resolved prior to permitting.

Kuperberg, J. Michael, Ph.D.

**Response**

Fencing will be considered as part of the decision.

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**Comment I-2.008**

Is there mitigation for the communities that King County permitted to be built next to a minor mine now that it is literally exploding to a huge 24 hour a day operation?

Clark, Rose

**Response**

The EIS Team developed over 75 mitigation measures that will be available to the decision-maker to reduce impacts.

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**Comment**

[9.4.3.2] 9.19.3 When will decisions involving increased vegetative buffers be made? Will these decisions be part of the Final EIS, and prior to decision making?

Kuperberg, J. Michael, Ph.D.

**Response**

These decisions will be made as conditions to the grading permit, should King County decide to grant the permit.

**Comment I-11.009**

Lone Star's mine would come within 50 feet of its nearest neighbor.

Parrish, Elizabeth/Rees, John

**Response**

The decision-maker may consider expanding this buffer to minimize conflicts with adjacent land owners.

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**Comment I-8.005**

(see also 7.6)...no mitigation such as for noise level could change the dangers or do a thing to stop plummeting property values.

Kritzman, Ellen B.

**Response**

While SEPA does not require housing values to be directly addressed in an EIS, no clear evidence exists that property values may be affected by the proposal. In the Granite Falls decision for the CSR Associated mine (Snohomish County Council Motion No. 98-367, File ZA 9207099), the record included various studies that showed that mining did not significantly affect housing values.

## **9.5 Cumulative Impacts**

**Comment C-8.081**

9 5 #81 This paragraph states that this project would be additive to what has taken place or what is likely to take place. Such a description does not adequately describe the proposed removal of half the existing land-mass at the narrowest portion of Maury Island. To describe this process as additive is not acceptable - please provide an independent, non pro-applicant evaluation.

Vashon-Maury Island Community Council

**Response**

The FEIS includes a new chapter that specifically addresses cumulative effects (Chapter 13).

The EIS is being prepared independently of the Applicant.

## **9.6 Significant Unavoidable Adverse Impacts**

**Comment C-8.082**

9 6 #82 To suggest that the increase industrial land use and shoreline activity due to loading as simply "consistent with existing mineral zoning" is a simplistic way of approaching this problem. The County Comprehensive Plan and the State Mineral Resources legislation both provide for the possibility that environmental issues or other issues of competing land uses may have a role in decisions made by governing authorities on mining

activities. If the project goes ahead as planned, the significant unavoidable adverse impacts will be enormous. They should not be written off. Please provide information as to which consultant reached this conclusion and the basis of their conclusions. Please provide information as to why Lone Star N W and King County failed to take action to stop residential development within 50 feet of the boundaries of the site.

Vashon-Maury Island Community Council

**Response**

Conclusions regarding significance have been made solely by King County DDES, with input from its consultants, other King County departments, agencies, and the public. It is important to note that “significant” denotes a severe impact. Many impacts may be adverse, and undesirable, but nonetheless are not significant.

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